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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 MIKE WESLEY,

11 Plaintiff,

No. CIV S-04-2346 GGH

12 vs.

13 JO ANNE B. BARNHART,
14 Commission of Social Security,

15 Defendant.

FINDINGS AND RECOMMENDATIONS

16 _____/
17 This action was referred to the undersigned pursuant to Local Rule 72-302(c)(15).
18 Pursuant to Federal Rule of Civil Procedure 4(m), if a defendant is not served within 120 days of
19 filing the complaint, the court may dismiss the complaint without prejudice as to that defendant.
20 In the scheduling order filed November 2, 2004, plaintiff was directed to complete service of
21 process on defendant within 20 days. This action was filed November 2, 2004, and plaintiff has
22 not yet served defendant with summons. By order filed March 11, 2005, plaintiff was directed to
23 show cause within 20 days why this action should not be dismissed for failure to serve defendant.
24 Subsequently, service was not effected. Plaintiff did not respond to the order to show cause and
25 consequently has shown no good cause why defendant has not been served.

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